

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARTHUR ROUSE, et al.,

Plaintiffs,

CIVIL CASE NO. 06-10961

v.

PATRICIA CARUSO, et al.,

Defendants.

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

ORDER

This is a *pro se*, putative class action under 42 U.S.C. §1983 in which Plaintiffs have named numerous prison officials as Defendants. Before the Court is Defendants' to dismiss, pursuant to Federal Rule of Civil Procedure 12(b)(6) [docket entry #20], and the January 24, 2007, Report and Recommendation of Magistrate Judge Paul Komives [docket entry # 53] on Defendants' motion.

A court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Komives' Report and Recommendation, *see* 28 U.S.C. § 636(B)(1)(c); Fed. R. Civ. P. 6(e), this Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that Magistrate Judge Komives' Report

and Recommendation [docket entry #53] is **ACCEPTED AND ADOPTED** as an order of the Court.

IT IS FURTHER ORDERED Defendants' motion to dismiss, pursuant to Federal Rule of Civil Procedure 12(b)(6) [docket entry #20], is **DENIED**.

SO ORDERED.

Dated: March 23, 2007

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on March 23, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Cori E. Barkman; A. Peter Govorchin, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Mark Ashley; Richard Boone, II; Guy Curtis; Erick DeForest; Hilton Evans; Danny Fritts; Stewart Gates; Terry George; Claude Hoffman; Michael Kanipe; Michael Lake; Antonio Manning; Robert McMurray; Tony Pellin; Carlton Rider; Arthur Rouse; William Taylor; Douglas Warner; Loren Wicker.

s/Ruth A. Brissaud
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